U.S. Department of Justice

Jack Smith
Special Counsel

950 Pennsylvania Ave. NW
Room B-206
Washington, DC 20530

May 25, 2023

VIA Electronic Mail

[redacted]

Re: Grand Jury Subpoena #GJ[redacted]

Dear Sir or Madam:

Pursuant to a criminal investigation being conducted by the Department of Justice, it is required that you furnish the requested records as described in the attached subpoena.

In lieu of personally appearing before the Grand Jury on the date indicated, you may comply with this grand jury subpoena by promptly providing the agent designated in the attachment with the requested records. If you choose to provide the requested records voluntarily, please provide them in a non-proprietary electronic format via FedEx, UPS or DHL. Also enclosed please find a blank "Declaration of Custodian of Records" form. It may save time and costs if an appropriate person at your business could complete the form and return it with the records. A properly completed "Declaration of Custodian of Records" form will make it more likely that we could present the records at trial without requiring you or another employee to come to court and testify.

Under the Electronic Communications Privacy Act, 18 U.S.C. § 2701 et seq., electronic communications services providers responding to a grand jury subpoena for production of certain records are entitled to reimbursement for some of the costs involved in compliance. Reimbursement may not be made for records or other information relating to telephone toll records and listings described in 18 U.S.C. § 2703(c)(2). Please note that under the Act, the Department of Justice will not reimburse expenses incurred for the production of information kept in the ordinary course of business. An exception can be made if compliance with a grand jury subpoena requires the expenditure of unusual effort or resources. In that circumstance, reimbursement of the "reasonable cost" of such services can be made if the government and subpoena recipient mutually agree on the amount, or if the court orders reimbursement.

If you believe that you are entitled to reimbursement, please send a full and complete itemized statement for all costs in an invoice that makes clear the basis for the reimbursement request.

NO REIMBURSEMENT WILL BE MADE WITHOUT (1) A FULL AND COMPLETE ITEMIZED STATEMENT OF ALL COSTS BEARING YOUR TAXPAYER IDENTIFICATION NUMBER, (2) A COMPLETED SCO-212 FORM, AND (3) A COPY OF THE SUBPOENA.

Moreover, no reimbursements will be paid for partial compliance with the grand jury subpoena. Accordingly, no invoice should be submitted to this office until compliance with the grand jury subpoena is complete, and the accompanying invoice represents a final and complete invoice for all qualified costs involved in that compliance. **Please submit all invoices directly to the Assistant Special Counsel at the address indicated in this letterhead.**

Enclosed please find a nondisclosure order from the court directing [redacted] not to notify any person (including the subscriber or customer) of the existence or content of this subpoena. You are directed not to disclose the existence of this subpoena or the fact of your compliance. Any such disclosure on your part could impede the investigation being conducted and thereby interfere with the enforcement of the law. We appreciate your cooperation in this matter.

Sincerely,

JACK SMITH
SPECIAL COUNSEL

By: [redacted]

[redacted]
950 Pennsylvania Ave. NW, Room B-206
Washington, DC 20530
[redacted]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE APPLICATION OF USA FOR 2705(b) NONDISCLOSURE ORDER FOR GRAND JURY SUBPOENA #GJ[redacted]	Case No. 23-sc- 1257 **Filed Under Seal**

ORDER

This matter having come before the Court pursuant to an application under 18 U.S.C. § 2705(b) requesting an order directing [redacted] ("PROVIDER"), an electronic communication and/or remote computing service provider located in [redacted], not to notify any other person of the existence of subpoena number **GJ**[redacted] issued by the United States on behalf of a federal Grand Jury empaneled in the United States District Court for the District of Columbia (the "Subpoena"), the Court finds reasonable grounds to believe that such disclosure will result in destruction of or tampering with evidence, intimidation of potential witnesses, and serious jeopardy to the investigation. *See* 18 U.S.C. § 2705(b)(3)-(5).

IT IS THEREFORE ORDERED that, pursuant to 18 U.S.C. § 2705(b), PROVIDER and its employees shall not disclose the existence of the Subpoena to any other person (except attorneys for PROVIDER for the purpose of receiving legal advice) for a period of one year (commencing on the date of this Order), unless the period of nondisclosure is later modified by the Court.

IT IS FURTHER ORDERED that the application and this Order are sealed until otherwise ordered by the Court.

SO ORDERED.

Date: 5/25/2023

JAMES E. BOASBERG
CHIEF JUDGE

UNITED STATES DISTRICT COURT

for the

District of Columbia

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: [redacted]

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place:	Date and Time:
U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA U.S. Courthouse, 3rd Floor Grand Jury #22-7 333 Constitution Avenue, N.W. Washington, D.C. 20001	Thursday, June 8, 2023 at 9:00 AM

You must also bring with you the following documents, electronically stored information, or objects:

PLEASE SEE ATTACHMENT

In lieu of personally appearing before the Grand Jury on the date indicated, you may comply with this grand jury subpoena by promptly providing the agent designated in the attachment with the requested records.

Date: May 25, 2023

CLERK [redacted]

Signature of Clerk or Deputy Clerk

The name, address, telephone number and email of the Assistant Special Counsel, who requests this subpoena, are:

[redacted]
950 Pennsylvania Ave. NW, Room B-206
Washington, DC 20530
Email: [redacted]

Subpoena #GJ[redacted]

U.S. Department of Justice
Washington, D.C. 20530

Request for Communications Content, Records or Other Information Under the Electronic Communications Privacy Act (ECPA). (Authorization, Purchase Order and Receiving Report)

This form shall be used when requesting communications content, records, or other information from electronic communications or remote computing service providers under the ECPA.

1 Tracking Number:	2 Date Order Prepared:	3 SCO Reference Number:
GJ[redacted]		N/A

Section A – Authorization and Purchase Order

4 Name and Address of Service Provider:
[redacted]

Funding Certification & Authorization:

A. _____
Budget Official Signature Funding Available Date

B. _____
Approving Official Signature Date

5 Deliver Records To:
[redacted]
950 Pennsylvania Ave. NW, Room B-206
Washington, DC 20530

Send Completed SCO-212 Form & Invoice To:
[redacted]

6 Return Date:

7 Remarks: Do not proceed with compliance if the total cost will exceed without prior approval. To obtain approval, call the requestor listed in Item 8. If invoicing for these services is expected to exceed 120 days, please notify the United States Attorney's Office immediately to ensure funds remain available for payment. Please see the attached Important Notice for additional information on invoicing and other requirements for reimbursement.

8 Name of Requestor:	9 Telephone Number:	10 Date of request:

Section B - ECPA Service Provider Invoice

11A Invoice Number: / 11B Tax ID Number:		Quantity	Unit Price Cost	Unit Price Per	Amount
11C Service(s)/Records Provided:					

The costs above (or on the attached invoice) represent direct costs and have been incurred in searching for, assembling, reproducing or otherwise providing the requested information.

12 Signature of Service Provider Representative:	13 Date Signed:	Total Amount Claimed By Service Provider	
		16 Disallowance *(See Attached)*	

Section C - Receiving Report

14 I certify that the articles and services listed were received:	15 Date Received:	17 Net to Service Provider	

18 Electronic Communications Privacy Act - Public Law 99-508
(18 U.S.C. 2701-2712) Request Pursuant To: *(Only One Section at Left Should Be Checked)*

SECTION		OBJECT CLASS
☐ 2702	Voluntary Disclosure	2570
☒ 2703	Compelled Disclosure	2570
	☐ Search Warrant	2570
	☒ Grand Jury Subpoena	2570
	☐ Court Order	2570
	☐ Administrative or Judicial Subpoena	2570
☐ 2704	Request for Information Following Preservation	2570

19 Signature of Approving Official: Date:

20 Funding Source

Accounting Code:

Program

21 Other Accounting/Fund Information:
Program Code: Project Code:
YREGDOC:
Call Number (if applicable):
OBL Month (YRMO):
Tax ID Number:

22 Remarks:

The costs above (or on the attached invoice) appear to be reasonably necessary and to have been directly incurred in searching for, assembling, reproducing or otherwise providing requested information

Signature of Department of Justice Representative Date

FORM SCO-212
EEB. 2014

DECLARATION OF CUSTODIAN OF RECORDS

Pursuant to 28 U.S.C. §1746, I, the undersigned, hereby declare:

My name is _____.
(name of declarant)

I am a United States citizen and I am over eighteen years of age. I am the custodian of records of the business named below, or I am otherwise qualified as a result of my position with the business named below to make this declaration. I have knowledge of the record keeping system used by this business; this includes how records are created and maintained.

I am in receipt of a United States District Court Subpoena #GJ[redacted] dated May 25, 2023, signed by [redacted] requesting specified records of the business named below.

Attached hereto are ____ pages of records regarding _____
(Brief description of type of documents being subpoenaed)
_____ responsive to the subpoena. I understand how these responsive documents were created. Pursuant to Rules 902(11) and 803(6) of the Federal Rules of Evidence, I hereby certify that the records attached hereto:

(1) were made at or near the time of the occurrence of the matters set forth in the records, by, or from information transmitted by, a person with knowledge of those matters;

(2) were kept in the course of regularly conducted business activity, in that the records were created and preserved pursuant to established procedures, and were relied upon by an employee or this business; and

(3) were made as part of the regularly conducted business activity as a regular practice, in that the records were created and preserved as part of routine reflections of the normal operations of this business.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____.
(date)

_____
(signature of declarant)

_____
(name and title of declarant)

_____
(name of business)

_____
(business address)

_____
(business address)

Definitions of terms used above:

As defined in Fed.R.Evid. 803(6), "record" includes a memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses. The term, "business" as used in Fed.R.Evid. 803(6) and the above declaration includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit

[redacted]

G[redacted]

Grand Jury Subpoena Attachment

For any and all accounts associated with the following identifiers:

[redacted]

Provide the following records from January 4, 2021, through January 7, 2021:

- Subscriber information
- Names (including subscriber names, user names, and screen names)
- Addresses (including mailing addresses, residential addresses, business addresses, and e-mail addresses)
- All call detail records, including but not limited to detail records for inbound and outbound calls, text messages, direct connect, and voicemail messages
- Length of service (including start date) and types of service utilized
- Means and source of payment for such service (including any credit card or bank account number) and billing records
- Telephone or instrument numbers (including MAC addresses, Electronic Serial Numbers ("ESN"), Mobile Electronic Identity Numbers ("MEIN"), Mobile Equipment Identifier ("MEID"), Mobile Identification Numbers ("MIN"), Subscriber Identity Modules ("SIM"), Mobile Subscriber Integrated Services Digital Network Number ("MSISDN"), International Mobile Subscriber Identifiers ("IMSI"), or International Mobile Station Equipment Identities ("IMEI"))
- Records of session times and durations, and the temporarily assigned network addresses (such as Internet Protocol ("IP") addresses) associated with those sessions
- Other subscriber numbers or identities (including temporarily assigned network addresses and registration Internet Protocol ("IP") addresses (including carrier grade natting addresses or ports))

NOTE: **IN LIEU OF PERSONAL APPEARANCE, YOU MAY COMPLY WITH THIS SUBPOENA BY PROVIDING THE REQUESTED DOCUMENTS IN ELECTRONIC FORMAT TO:**

[redacted]

IF YOU CHOOSE TO COMPLY WITH THIS SUBPOENA BY PRODUCING THE MATERIALS TO A FEDERAL AGENT, PLEASE ALSO REVIEW AND EXECUTE THE ATTACHED CERTIFICATION UNDER FEDERAL RULES OF EVIDENCE 803(6) AND 902(11).

COMPLETION OF THIS CERTIFICATION MAY ELIMINATE THE NEED FOR APPEARANCE OF A RECORDS CUSTODIAN AT A FUTURE DATE.